

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-35196 - APPLICANT: CLEAR WIRELESS, LLC -
OWNER: PUBLIC STORAGE FUND IV**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to conditions.

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Wireless Communication Facility, Stealth Design use.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The communications monopole and its associated equipment and facility shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the communications monopole and its associated equipment and facility.
4. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 60-foot tall Wireless Communication Facility, Stealth Design (Flagpole) at the northeast corner of East Charleston Boulevard and Shiloah Drive. The cellular facility and equipment will be located inside of an existing mini-storage facility site between two buildings. The proposed 60-foot tall cellular facility will provide antennas concealed within a flag pole. The equipment enclosure will house the proposed cellular facility and associated electrical equipment. If denied, the cellular facility would not be permitted on the subject site. The proposed Wireless Communication Facility, Stealth Design (Flagpole) is not compatible or harmonious with surrounding residential development. Also, there is an existing Wireless Communication Facility, Stealth Design (Sign pole) located on the subject site. The addition of a second cellular facility creates additional visual clutter and over-saturates the existing site; therefore, staff cannot support the subject application and recommends denial of the request.

ISSUES

- The proposed Wireless Communication Facility, Stealth Design (Flagpole) cellular is approximately 435 feet from an additional cellular facility.
- The nearest residentially zoned property R-2 (Medium-Low Density Residential) is 75 feet to the west. Although not subject to Residential Adjacency Standards, the proposed facility will have a negative visual impact on the surrounding residential development.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
05/01/90	A deed was recorded for a change of ownership at 3851 East Charleston Boulevard.
06/30/09	A Code Enforcement citation (#79570) was issued for graffiti and barbed wire at 3851 East Charleston Boulevard. The citation remains open.
08/27/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #18/bts).
<i>Related Building Permits/Business Licenses</i>	
04/02/90	A Building Permit (#90073760) was issued for storage building 'B' at 3851 East Charleston Boulevard. The permit was finalized on 02/05/91.
04/02/90	A Building Permit (#90073761) was issued for storage building 'C' at 3851 East Charleston Boulevard. The permit was finalized on 02/05/91.

04/02/90	A Building Permit (#90073765) was issued for a storage building at 3851 East Charleston Boulevard. The permit was finalized on 02/15/90.
04/02/90	A Building Permit (#90073764) was issued for a storage building at 3851 East Charleston Boulevard. The permit was finalized on 02/05/91.
04/02/90	A Building Permit (#90073763) was issued for storage building 'E' at 3851 East Charleston Boulevard. The permit was finalized on 02/05/91.
06/28/90	A Building Permit (#90073762) was issued for storage building 'D' at 3851 East Charleston Boulevard. The permit was finalized on 02/05/91.
07/04/90	A Building Permit (#90074989) was issued for storage building 'A' at 3851 East Charleston Boulevard. The permit was finalized on 02/05/91.
07/11/90	A Building Permit (#90074319) was issued for storage building 'A' at 3851 East Charleston Boulevard. The permit was finalized on 10/05/90.
07/12/90	A Building Permit (#90074990) was issued for storage building 'E' at 3851 East Charleston Boulevard. The permit was finalized on 10/23/90.
07/12/90	A Building Permit (#90074992) was issued for a storage building at 3851 East Charleston Boulevard. The permit was finalized on 02/15/90.
07/12/90	A Building Permit (#90074991) was issued for a storage building at 3851 East Charleston Boulevard. The permit was finalized on 10/23/90.
07/12/90	A Building Permit (#90074987) was issued for storage building 'B' at 3851 East Charleston Boulevard. The permit was finalized on 10/23/90.
07/12/90	A Building Permit (#90074988) was issued for storage building 'C' at 3851 East Charleston Boulevard. The permit was finalized on 10/23/90.
07/12/90	A Building Permit (#90074989) was issued for storage building 'D' at 3851 East Charleston Boulevard. The permit was finalized on 10/23/90.
07/17/90	A Building Permit (#9074986) was issued for storage building 'A' at 3851 East Charleston Boulevard. The permit was finalized on 10/25/90.
08/07/90	A Building Permit (#90077857) was issued for storage building 'A' at 3851 East Charleston Boulevard. The permit was finalized on 10/23/90.
09/26/90	A Building Permit (#90083801) was issued for a double faced pole sign at 3851 East Charleston Boulevard. The permit was finalized on 10/25/90.
05/14/96	A Business License (#W07-00049) was issued for warehouse or storage at 3851 East Charleston Boulevard. The license remains active.
09/29/00	A Business License (#M06-01525) was issued for miscellaneous sales at 3851 East Charleston Boulevard. The license remains active.
09/09/04	A Building Permit (#4019639) was issued for the addition of three antennas to an existing pole at 3851 East Charleston Boulevard. The permit was finalized on 05/27/05.
Pre-Application Meeting	
09/10/09	<p>A pre-application meeting was held on the indicated date. The following items were noted:</p> <ul style="list-style-type: none"> • Proximity to existing residential developments. • Proximity to existing cellular facilities on the subject site.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held.	
<i>Field Check</i>	
07/23/09	A field check was completed on the indicated date. The following items were noted: <ul style="list-style-type: none"> • The location of an existing cellular facility on the subject site. • The proximity to residential developments.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	3.07 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Mini-Storage Facility and Cellular Facility	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single-Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)/
South	Convenience Store and Single-Family Dwellings	SC (Service Commercial) and Clark County	C-1 (Limited Commercial)/Clark County
East	Multi-Family Housing	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Multi-Family Housing and Iron Workers Union	M (Medium Density Residential)	R-1 (Single Family Residential)/R-2 (Medium-Low Density Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails (Multi-Use Non-Equestrian Trail)	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.08 Development Standards the following requirements apply

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	133,729 SF	Y
Min. Lot Width	100 Feet	112 Feet	Y
Min. Setbacks			
• Front (South)	20 Feet	182 Feet	Y
• Corner (West)	15 Feet	22 Feet	Y
• Corner (East)	15 Feet	252 Feet	Y
• Rear (North)	20 Feet	393 Feet	Y
Max. Lot Coverage	50%	N/A	N/A
Max. Building Height	N/A	60 Feet	N/A

Residential Adjacency Standards per Title 19.08.060

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	180 Feet	307 Feet	Y

ANALYSIS

The applicant is proposing a 60-foot Wireless Communication Facility, Stealth Design (Flagpole) and a six-foot fenced in enclosure, which is within an existing Mini-Storage Facility located at the northeast corner of East Charleston Boulevard and Shiloah Drive. The proposed cellular facility is in over-saturation of use and a negative impact on surrounding residential development; therefore staff is recommending denial of the proposed Wireless Communication Facility, Stealth Design (Flagpole).

- **Use**

Title 19.04 defines a Wireless Communication Facility, Stealth Design as a Wireless Communication Facility that is designed to blend into the surrounding environment. Examples include without limitation: antenna tower alternative structures; roof-mounted antennas (with architectural screening when appropriate); building-mounted antennas painted to match the existing structure; antennas integrated into architectural elements (such as steeples or cupolas); antennas and antenna structures designed to look like light poles, flagpoles, or any other camouflaging techniques available on the market; and a cable microcell network which utilizes multiple low-powered transmitters/receivers or repeaters attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use is not harmonious and compatible with existing surrounding residential land uses. The addition of a second cellular facility on the subject site is visually obnoxious and intrusive to the adjacent residential developments.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is not physically suitable for the proposed Wireless Communication Facility, Stealth (Flagpole). A second cellular facility fails to adequately protect the overall quality of life for the existing residences and multi-family developments. The proposed cellular facility is an over saturation on the existing site.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site is accessed from Charleston Boulevard, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. This thoroughfare is capable of accommodating any additional traffic flow created by the proposed Wireless Communication Facility, Stealth facility.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed Wireless Communication Facility, Stealth Design (Flagpole) use fails to comply with Objective 2.2 of the Las Vegas Master Plan 2020. Objective 2.2 seeks compatibility between low density residential land uses within mature neighborhoods to exist in close proximity to non-residential land uses, by incorporating appropriate design or buffer elements to mitigate adverse visual, audible or aesthetic impacts. The proposal for an additional cellular facility immediately adjacent to residentially zoned properties will not mitigate these adverse impacts, but rather increase them.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed cellular facility meets the minimum requirements for a Wireless Communication Facility, Stealth Design (Flagpole) with the exception of Condition #5, as the site has been determined to be incompatible with surrounding uses. Therefore, this Special Use Permit is required.

PLANNING COMMISSION ACTION

There were questions regarding the existing towers at the Planning Commission Meeting. Additional protests and approvals were submitted.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 10

SENATE DISTRICT 11

NOTICES MAILED 279 by City Clerk

APPROVALS 0

PROTESTS 1